

P11278

FEB 05 2007

Serial No. 09/884,122

REMARKS

Claims 12-21, 24-32, and 39-44 remain for reconsideration. Claims 4-9 are herein cancelled. Claims 1-3, 10-11, 22-23, 33-38, and 45-60 have been previously cancelled.

POSTURE OF APPLICATION:

This application has been previously appealed and Applicant's have filed an Appeal Brief with the Board. In response, the Examiner has reopened prosecution on the merits and stated a new ground of rejection.

Previously, all claims were rejected as being anticipated by USP 6,020,884 to MacNaughton. In the current office action, the Examiner has simply combined a new reference, USP 6,442,565 to Tyra and rejected all claims as being obvious.

PRIOR ART REJECTION:

All claims now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,020, 884 to MacNaughton et al.

P11278

Serial No. 09/884,122

(MacNaughton) in view of newly cited USP 6,442,565 to Tyra. This rejection is respectfully traversed.

Briefly, HTTP is a data transport protocol developed based on a simple client/server interaction model or a request-response model. In HTTP, a client always initiates requests and responses are generated with respect to the requests by the server and then returned to the client. Some web applications leverage HTTP as an underlying transport protocol. A known problem associated with this model is that it is difficult for a server entity to notify its clients of any event (e.g., status changes) occurred on the server. For example, it is difficult for a server component to initiate a message to its web clients using HTTP. This drawback has inherently limited the capability of the web applications that employ the model. It becomes particularly problematic in applications in which the ability to receive real-time notification from a server may be crucial.

The present invention is generally related to a web-enabled 2-way remote messaging mechanism that allows a client to receive instant notification from an event producer based on subscription, to access data generated by the event producer, and to post messages to the event producer.

MacNaughton:

The reference to MacNaughton, is directed to a system integrating an

P11278

Serial No. 09/884,122

online service community with a foreign service. The reference is assigned on its face to America Online (AOL), an online service provider, and appears to allow a particular provider, such as AOL, to interface its clients to the Internet World-Wide-Web. To that end, AOL provides a user interface which includes tool bars comprising control buttons corresponding to URLs (Internet addresses) that allows users to interact with other members in an online community. As stated in the abstract, the benefit for end-users is a transformation of the Web to a community.

As recited in independent claim 12, and similarly, 24, and 39, the claims include “listening, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the listener agent receiving a notification when the action associated with the event is performed by the event producer on the slot”

For this one particular feature, the Examiner is now relying on the teachings of Tyra.

Tyra:

Tyra appears to be a system modeled with a Java Virtual Machine (JVM) as shown in Figure 1. It is conceptualized by concentric circles each comprising a “layer” of the JVM. These layers include a communication layer,

P11278

Serial No. 09/884,122

a data layer, a services layer, an application layer, and an administration layer.

The layer in which the Examiner found the key word "listener" appears as part of the "communications layer" 101, from Figure 1 and is briefly described in column 7, lines 4-19. This is shown in Figure 6 which shows an "event queue" 600 which has a "listener object" 603. Event entry 601 contains an event 602 and an affected object 604. The event 602 describes a type of action to be taken when entry 604 is received by the take method. Objects 603, known as "listeners," register themselves with the take method to be called when an event of a registered type appears on the queue. In addition, event entry 601 provides the name of a method within the listener's object to be executed when the listener is notified. Event entry 601 also provides an object affected which is considered to be the object affected by some particular external event.

This appears to be the only portion of the text that discusses these "listener object" 603 or the "event queue" 600. They are not mentioned anywhere else in the Tyra patent. As claimed in Applicant's application, Applicants "listening agent" "connects to a channel", dedicated to the web client, and the slot, AND "receives a notification when the action associated with the event is performed by the event producer on the slot"

It is unclear exactly what Tyra's "listener" does, since it is not described in detail other than to "register itself in a queue".

P11278

Serial No. 09/884,122

While Tyra may use the word "listener" it clearly does not teach that it connects to a channel"....AND "receives a notification when the action associated with the event is performed by the event producer on the slot" as claimed.

Referring the Examiner now to MPEP § 2143, titled "Basic Requirements for a Prima Facie case of Obviousness", the MPEP mandates that:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not applicant's disclosure." (emphasis added).

Here, the recited persistent listening connection is not taught or suggested by MacNaughton or Tyra. MacNaughton clearly does not teach the

P11278

Serial No. 09/884,122

claimed persistent listening connection since the Examiner reopened prosecution just to add Tyra for that teaching. Tyra, may use the word "listener", but as set forth above, this is an unfortunate word choice as it has nothing to do with applicant's use of the word as defined in the claims.

It is therefore respectfully submitted that *prima facie* obviousness has not been established under 103. Based on the above discussion with reference to the MPEP guidelines, it is respectfully requested that the rejections based on 35 U.S.C. § 103 be withdrawn.

This being the only prior art rejection to remaining claims it is respectfully requested that these claims be allowed.

In view of the foregoing, it requested that the application be reconsidered, that claims 12-21, 24-32, and 39-44 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,

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